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SAWYER LAW GROUP LLP P.O. BOX 51418 PALO ALTO, CA 94303			EXAMINER VERDI, KIMBLEANN C	
			ART UNIT	PAPER NUMBER
			2194	
			NOTIFICATION DATE	DELIVERY MODE
			11/02/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/759,661

Applicant(s)

GALLAGHER ET AL.

Examiner

KimbleAnn Verdi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to the Amendment filed on August 16, 2007. Claims 1-21 are pending in the current application. All previously outstanding objections and rejections to the Applicant's disclosure and claims not contained in this Action have been respectfully withdrawn by the Examiner hereto.

Response to Amendment

1. Amendment to the drawings, specification, and claims overcomes the previous objections to the drawings, specification and claims.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 9, 10, and 19 have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's arguments filed on August 16, 2007 have been fully considered but they are not persuasive. In response to the Non-Final Office Action dated June 6, 2007, applicant argues in regards to claims 2, 7-8, 11, 16-17, 20, and 25-26:

(1) Office Action asserts that the Spring reference teaches the recited limitation "wherein said comparing is indicative of a data structure incompatibility between said calling program and said stored procedures when the first version identifier is missing." However, contrary to discussion of a "missing" version identifier, the Spring reference only discusses "earlier" version numbers. The Examiner has not shown where the Spring reference describes handling of missing version identifiers (page 17, lines 27-29 and page 18, lines 7-9).

In response to argument (1), examiner respectfully disagrees and notes that claims 2, 11, and 20 do not recite the feature of "wherein said comparing is indicative of a data structure incompatibility between said calling program and said stored procedures when the first version identifier is missing"; therefore applicant's argument is not persuasive because claims 2, 11, and 20 do not require the limitation of "wherein said comparing is indicative of a data structure incompatibility between said calling program and said stored procedures when the first version identifier is missing". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(2) Applicants submit that neither the Spring reference nor the Spring reference in combination with the Ng reference teach the recited features of claims 7-8, 16-17 and 25-26, and their respective base claims, as amended (page 18, lines 20-22).

In response to argument (2), examiner respectfully disagrees and notes that Spring as modified by Ng discloses each and every element and limitation of 7-8, 16-17 and 25-26, see the rejection to claims 7-8, 16-17 and 25-26 on pages 9-11 of the Non-Final Office Action dated June 6, 2007.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract

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on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Abstract exceeds 150 words in length.

Claim Objections

4. Claims 2, 4, 11, 13, 14, 20, 22, 23 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

For example, claim 2, the recitation of "when the first version identifier is not located in the data structure by said first parsing" is a broader limitation than in independent claim 1, line 7, the recitation of "parsing the data structure for a first version identifier", since the first version identifier is found in independent claim 1.

5. Claim 9 is objected to because of the following informalities: claim 9, line 1, the recitation of "claim 8", should be "claim 1". Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 10, and 19, the recitation of "plurality of data structure elements used for communicating data between the stored procedures and the calling program", are not disclosed in the specification. Thorough review of the specification by the Examiner did not result in finding of the subject matter properly disclosed in the specification.

Claims 1, 5 - 6, 10, 19, and 23-24, the recitations of "second parsing" and "third parsing" are not disclosed in the specification. Thorough review of the specification by the Examiner did not result in finding of the subject matter properly disclosed in the specification.

Claims 9, 18, and 27 the recitation of "obtaining version control information" is not disclosed in the specification. Thorough review of the specification by the Examiner did not result in finding of the subject matter properly disclosed in the specification.

Claims 2-4, 7-8, 11-17, 20-22, and 25-26 are rejected since they are dependent on independent claims 1, 10, and 19.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-8, 10-17, and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent 6,971,093 B1 to Spring in view of United States Patent 5,742,810 to Ng et al. (hereinafter Ng).

10. As to claim 1, Spring teaches a method, system, and computer program product of parameter passing of data structures where an API and corresponding stored procedures are at different version/release levels, the method comprising:

first parsing (e.g. obtain) the data structure (e.g. interface) for a first version identifier (e.g. Interacting Version) of the data structure (obtain Interacting Version of interacting module to install, step 204, Fig. 2A);

comparing the first version identifier (e.g. Interacting Version) (e.g. Interacting Version) of the data structure to a second version identifier (e.g. Core Version) of the stored procedures (e.g. Core Module) (compare core version to interacting version, step 206, Fig. 2A);

when said comparing of the first version identifier (e.g. Interacting Version) with the second version identifier (e.g. Core Version) is indicative of a data structure compatibility between said calling program (e.g. Interacting Module) and said stored procedures (e.g. Core Module) (e.g. Core Version = Interacting Version, step 208, Fig. 2A), parsing (e.g. installing) all of the data structure elements of the data structure (Interacting Module installed for use with Core Module, step 210, Fig. 2A); and

when said comparing of the first version identifier (e.g. Interacting Version) with the second version identifier (e.g. Core Version) is indicative of a data structure

incompatibility (e.g. Core Version later than Interacting Version, step 212, Fig. 2A) between said calling program (e.g. Interacting Module) and said stored procedures (e.g. Core Module), parsing (e.g. checking) only the data structure elements of the data structure that are known to both of said calling program (e.g. Interacting Module) and said stored procedures (e.g. Core Module) (step 524, Fig. 5A and col. 15, lines 19-24 and 44-48).

Spring does explicitly disclose receiving, from a calling program, a plurality of data structure elements used for communicating data between the stored procedures and the calling program.

However Ng discloses receiving (col. 1, lines 49-53), from a calling program (col. 1, lines 56-59), a plurality of data structure elements used for communicating data between the stored procedures and the calling program (col. 2, lines 47-50).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the data structure of Spring with the teachings of BLOB/CLOB pair from Ng because this feature would have provided a mechanism to translate a host variable that is not recognized as a SQL data type into a BLOB, in order to pass the host variable to a stored procedure (col. 2, lines 7-15 and 23-29 of Ng).

11. As to claim 2, Spring teaches the method as set forth in claim 1, wherein said comparing is indicative of a data structure incompatibility between said calling program (e.g. Interacting Module) and said stored procedures (e.g. Core Module) when the first version identifier (e.g. Interacting Version) is not located in the data structure by said first parsing (e.g. Core Version Number is earlier than the Interacting Version Number)

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(If the Core Version Number is earlier than the Interacting Version Number, or the Core Module is not backward compatible, then the modules are not compatible, and control passes to step 220, Fig. 2A, in step 220, Fig. 2A the module is not installed, and any messages or warnings to the user are issued, col. 7, lines 48-54):

12. As to claim 3, Spring teaches the method as set forth in claim 1, wherein said comparing is indicative of a data structure compatibility (versions number are equal, modules are compatible, col. 7, lines 25-28) between said calling program (e.g. Interacting Module) and said stored procedures (e.g. Core Module) when the first version identifier (e.g. Interacting Version) matches the second version identifier (e.g. Core Version) (Core Version = Interacting Version, step 208, Fig. 2A, Interacting Module installed for use with Core Module, step 210, Fig. 2A).

13. As to claim 4, Spring teaches the method as set forth in claim 1, wherein said comparing is indicative of a data structure incompatibility (e.g. or backward compatibility) between said calling program (e.g. Interacting Module) and said stored procedures (e.g. Core Module) when at least one of:

the first version identifier (e.g. Interacting Version) is less than the second version identifier (e.g. Core Version) (e.g. Core Version later than Interacting Version, step 212, Fig. 2A, Interacting Module installed for user with backward compatible core module, step 214, Fig. 2A)

the first version identifier is not located in the data structure by said first parsing (e.g. Core Version Number is earlier than the Interacting Version Number) (If the Core Version Number is earlier than the Interacting Version Number, or the Core Module is

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not backward compatible, then the modules are not compatible, and control passes to step 220, Fig. 2A, in step 220, Fig. 2A the module is not installed, and any messages or warnings to the user are issued, col. 7, lines 48-54); and

the first version identifier (e.g. Interacting Version) greater than the second version identifier (e.g. Core Version) (e.g. Core Version Number is earlier than the Interacting Version Number) (If the Core Version Number is earlier than the Interacting Version Number, or the Core Module is not backward compatible, then the modules are not compatible, and control passes to step 220, Fig. 2A, in step 220, Fig. 2A the module is not installed, and any messages or warnings to the user are issued, col. 7, lines 48-54).

14. As to claim 5, Spring teaches the method as set forth in claim 4, wherein said parsing only the data structure elements of the data structure that are known to both of said calling program (e.g. Interacting Module) and said stored procedures (e.g. Core Module) includes:

parsing (e.g. installing) only the data structure elements of the data structure that are known (e.g. backward compatible) to the calling program (e.g. Interacting Module) when the first version identifier (e.g. Interacting Version) is less than the second version identifier (e.g. Core Version) (e.g. Core Version later than Interacting Version, step 212, Fig. 2A, Interacting Module installed for user with backward compatible core module, step 214, Fig. 2A).

15. As to claim 6, Spring teaches the method as set forth in claim 4, wherein said parsing only the data structure elements of the data structure that are known to both of

said calling program (e.g. Interacting Module) and said stored procedures (e.g. Core Module) includes:

parsing only the data structure elements of the data structure that are known (e.g. compatible Core Module) to the stored procedures (e.g. Core Module) when the first version identifier (e.g. Interacting Version) is greater than the second version identifier (e.g. Core Version) (If the Core Version Number is earlier than the Interacting Version Number, or the Core Module is not backward compatible, then the modules are not compatible, and control passes to step 220, Fig. 2A, in step 220, Fig. 2A the module is not installed, and any messages or warnings to the user are issued, the user is directed to a source for a compatible core module, col. 7, lines 48-54).

16. As to claim 7, Spring as modified teaches receiving includes receiving the data structure having a BLOB/CLOB (e.g. BLOB/SQL character data type of Ng) pair (DBMS receives BLOB from Client Application, step 510, Fig. 5, DBMS receives SQL Character Data Type from Client Application, step 610, Fig. 6, in the passing of arrays as host variables, a character large object (CLOB) may also be used in the packing/unpacking process, col. 8, lines 2-4 of Ng).

17. As to claim 8, Spring as modified teaches the method as set forth in claim 7, wherein:

the receiving the data structure having the BLOB/CLOB pair includes (e.g. BLOB/SQL character data type of Ng):

receiving a CLOB having at least one character data value (DBMS receives SQL Character Data Type from Client Application, step 610, Fig. 6, stored procedure

populates data area (e.g. with character data value contained in Character data type sent from client of Ng); and

receiving a BLOB (DBMS receives BLOB from Client Application, step 510, Fig. 5 of Ng) having a version identifier (e.g. composite version number, col. 8, lines 9-11 of Spring), a data element ID for each respective character data value (section 706, Fig. 7, data identified by the user-definition of the array in host language, col. 7, lines 63-64 of Ng), a data type for each respective character data value (data types within the array, col. 7, lines 59-60 of Ng), and a data length for each respective character data value (lower bound and maximum extent (or length) of data, col. 7, lines 59-60 of Ng).

18. As to claims 10-13, these claims are rejected for the same reasons as claims 1-4 respectively, since claims 10-13 recite the same or equivalent invention, see the rejections to claims 1-4 above.

19. As to claims 14-17, these claims are rejected for the same reasons as claims 5-8 respectively, since claims 14-17 recite the same or equivalent invention, see the rejections to claims 5-8 above.

20. As to claims 19-22, these claims are rejected for the same reasons as claims 1-4 respectively, since claims 19-22 recite the same or equivalent invention, see the rejections to claims 1-4 above.

21. As to claims 23-26, these claims are rejected for the same reasons as claims 5-8 respectively, since claims 23-26 recite the same or equivalent invention, see the rejections to claims 5-8 above.

22. Claims 9, 18, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent 6,971,093 B1 to Spring in view of United States Patent 5,742,810 to Ng et al. (hereinafter Ng) as applied to claim 1 above, and further in view of United States Patent 5,579,509 to Furtney et al (hereinafter Furtney).

23. As to claim 9, Spring as modified by Ng does not explicitly teach obtaining version control information from a library system control table, wherein a result of said comparing is based on the version control information obtained from the library system control table obtaining version control information from a library system control table, wherein a result of said comparing is based on the version control information obtained from the library system control table.

However Furtney teaches obtaining version control information from a library system control table (Component Version Table 104, Fig. 1, col. 3, lines 16-22), wherein a result of said comparing is based on the version control information obtained from the library system control table (col. 3, lines 19-29).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have further modified the version number development tool of Spring as modified by Ng with the teachings of component version table from Furtney because this feature would have further provided a mechanism which identifies the interacting software module, and compatible version field (107, Fig. 1) identifying the compatible version of the interacting module (col. 3, lines 23-25 of Furtney).

24. As to claim 18, this claim is rejected for the same reasons as claim 9 since claim 18 recites the same or equivalent invention, see the rejection to claim 9 above.

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25. As to claim 27, this claim is rejected for the same reasons as claim 9 since claim 27 recites the same or equivalent invention, see the rejection to claim 9 above.

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KimbleAnn Verdi whose telephone number is (571) 270-1654. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm EST..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

KV

October 24, 2007


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER